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C O N F I D E N T I A L SAIGON 7353

CINCPAC FOR POLAD

SUBJECT: NATIONAL ASSEMBLY: VALIDATION OF PRESIDENTIAL ELECTION

REF: A. SAIGON 7344

B. SAIGON 7350
C. SAIGON 7352

1. NATIONAL ASSEMBLY MET AFTERNOON OCTOBER 1 WITH 96 DEPUTIES PRESENT TO EXAMINE SPECIAL COMMITTEE FINDINGS WITH REGARD TO IRREGULARITIES IN ELECTION RETURNS. ASSEMBLY RECESSED AT 1915 WITHOUT TAKING FINAL DECISION. IT WILL RECONVENE MORNING OCTOBER 2 TO CONTINUE DISCUSSION

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OF ELECTION RETURNS AND PROCEED TOWARD FINAL VOTE ON VALIDATION.

2. NGUYEN THANH VINH OPENED AFTERNOON SESSION BY READING SUMMARY REPORT OF SPECIAL COMMITTEE WITH REGARD TO IRREGULARITIES IN ELECTION RETURNS (FULL TEXT REPORTED REF C). VINH POINTED OUT THAT TOTAL OF 1,695,598 PERSONS VOTED AT POLLING PLACES WHERE SPECIAL COMMITTEE CONFIRMED THAT IRREGULARITIES OCCURRED. (NOTE: TOTAL NUMBER OF PERSONS VOTING IN "IRREGULAR" POLLING PLACES JUST EXCEEDS THE 1,638,902 VOTES RECEIVED BY THIEU-KY).

3. VINH WAS FOLLOWED BY BANH NGOC QUY WHO GAVE DETAILED REPORT OF IRREGULARITIES NOTED IN IV CORPS, AND NGUYEN HUU LUONG WHO DID THE SAME FOR III CORPS. FOLLOWING LUONG'S PRESENTATION, NGUYEN VAN HOI INTERRUPTED PROCEEDINGS TO DEMAND THAT DEPUTIES BE ALLOWED TO DISCUSS COMMITTEE FINDINGS AFTERSBACH CORPS BRIEFING RATHER THAN WAITING UNTIL COUNTRY-WIDE TOTALS WERE PRESENTED. NGUYEN HUU TRI (CATHOLIC FROM LAM DONG) AND BUI VAN GIAI SUPPORTED HOI,

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DEMANDING ALSO THAT SPECIAL COMMITTEE FURNISH DOCUMENTS TO DEPUTIES TO ALLOW THEM TO FOLLOW PROCEEDINGS MORE CLOSELY. NGUYEN CAO KIEN, LE TAI HOA AND NGUYEN TINH THUAT QUESTIONED NIT-PICKING APPROACH OF SPECIAL COMMITTEE AND SWEEPING CONCLUSIONS IT REACHED. HOA SAID THAT OF ELEVEN CRITERIA BY WHICH SPECIAL COMMITTEE GUAGED IRREGULARITIES, ONLY VALID GUIDELINE WAS WHETHER TOTAL NUMBER OF VOTES INVOLVED EXCEEDED OR WAS LESS THAN NUMBER OF PEOPLE VOTING. KIEN NOTED THAT IN HAU NGHIA, SPECIAL COMMITTEE FOUND A TOTAL VOTE-COUNT DISCREPANCY OF 48 BALLOTS, BUT DECLARED SOME 7,000 BALLOTS TO BE "IRREGULAR" ON BASIS OF VARIOUS OTHER CRITERIA.

NGUYEN THANH VINH ASKED THAT BRIEFING BE ALLOWED TO CONTINUE.

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4. AT THIS POINT CHAIRMAN PHAN KHAC SUU INTERJECTED A FAVORITE IDEA OF HIS OWN. SUU DEMANDED, REPEATEDLY AND IN VERY INSISTENT TERMS, THAT ASSEMBLY DISCUSS VIOLATION OF ARTICLE 34 OF ELECTION LAW BEFORE PROCEEDING WITH REVIEW OF ELECTION RETURNS. (ARTICLE 34 SPECIFIES THAT VOTER TALLY SHEETS FROM PROVINCES SILMUST BE SUBMITTED TO ASSEMBLY NO LATER THAN

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SEPTEMBER 10. MANY WERE NOT, AND SUU APPARENTLY FELT OBJECTIVE CONSIDERATION OF THIS FACT WOULD LEAD TO INESCAPABLE CONCLUSION THAT ELECTION WAS INVALID.) ARTICLE 34 WAS "MOST IMPORTANT OF ALL" SAID SUU, AND MUST BE DISCUSSED IMMEDIATELY. DEMOCRATIC-ALLIANCE STALWART NGUYEN MINH DANG TOOK FLOOR TO SAY THAT ASSEMBLY DELIBERATIONS WERE INHIBITED BECAUSE CHAIRMAN IS A DEFEATED PRESIDENTIAL CANDIDATE. SUU'S INSISTANCE ON DISCUSSION OF ARTICLE 34 "CAUSES US TO DOUBT HIS IMPARTIALITY." DANG SUGGESTED THAT FIRST VICE-CHAIRMAN WOULD BE MORE PROPER PRESIDING OFFICER. DANG'S REMARKS MOVED SUU TO TEARS; HE HALTINGLY DEFENDED HIS IMPARTIALITY AS ASSEMBLY WATCHED IN EMBARRASSED SILENCE.

5. DEBATE CONTINUED IN VERY UNSTRUCTURED MANNER. NGUYEN VAN CHUYEN CHARGED THAT EXCEPT FOR ONE OR TWO MEMBERS SPECIAL COMMITTEE FINDINGS WERE DETERMINED BY NON-OBJECTIVE FACTORS, SUCH AS DEFEAT IN UPPER HOUSE RACE. HE ADDED THAT IF ANY SLATE WAS GUILTY OF CHEASING SUU'S WAS (IT SEEMS THAT "A MILITARY UNIT IN KIEN HOA DISTRIBUTED SUU-DAN LEAFLETS"). TRUONG TIEN DAT

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ALSO SAID SPECIAL COMMITTEE WAS LESS THAN IMPARTIAL, AND THAT IT WAS TRYING TO MISLEAD ASSEMBLY. NGUYEN HUU CHUNG, LY QUY CHUNG AND LY VAN HIEP DEFENDED INTEGRITY OF SPECIAL COMMITTEE.

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6. ASSEMBLY FIRST VICE-CHAIRMAN NGUYEN HUU THONG THEN GAVE WELL-PREPARED SPEECH IN WHICH HE SAID THAT NATIONAL ASSEMBLY IS LEGALLY COMPETENT TO INVALIDATE ENTIRE PRESIDENTIAL ELECTION ONLY IN ACCORDANCE ARTICLE 56 OF THE ELECTION LAW. LAWYER THONG WENT ON TO POINT OUT THAT ARTICLE 56 SPECIFIES THAT ASSEMBLY DECISION TO THROW OUT ENTIRE ELECTION MUST BE BASED ON IRREGULARITIES CONFIRMED BY CENTRAL ELECTION COUNCIL OR COURTS. NEITHER CEC NOR COURTS HAVE CONFIRMED A SINGLE IRREGULARITY. THONG ADDED, HOWEVER, THAT ARTICLE 53 OF LAW DOES GIVE ASSEMBLY AUTHORITY TO INVALIDATE, ON ITS OWN INITIATIVE, ELECTION IN CERTAIN INDIVIDUAL AREAS "SUCH AS BINH CHANH DISTRICT." HE SUGGESTED THAT ASSEMBLY COULD ONLY FOLLOW THIS LATTER COURSE, AND SHOULD NOT EXCEED ITS AUTHORITY BY CONSIDERING INVALIDATION OF ENTIRE ELECTION.

IN ADDITION, THONG WARNED THAT INVALIDATION OF THE ELECTION WOULD GIVE "ANTI-DEMOCRATIC FORCES" AN EXCUSE TO ESTABLISH DICTATORSHIP. THONG ALSO SAID THAT HE COULD NOT ACCEPT SOME OF THE ELEVEN CRITERIA SET FORTH BY SPECIAL COMMITTEE.

7. NGUYEN HUU HIEU SUPPORTED THONG'S INTERPRETATION OF ELECTION LAW, WHILE NGUYEN VAN SANG, TRAN TAN VIET, LY VAN HIEP AND PHAM DINH HUNG DISAGREED, UPHOLDING RIGHT OF ASSEMBLY TO DECLARE ENTIRE ELECTION INVALID.

8. ASSEMBLY FINALLY AGREED TO LET SPECIAL COMMITTEE CONTINUE ITS REPORTS OF IRREGULARITIES IN ELECTION RETURNS (INTERRUPTED PARAGRAPH 3 ABOVE). REPORTS FOR SAIGON, I CORPS AND II CORPS WERE GIVEN IN SHORT ORDER.

9. ASSEMBLY WILL CONTINUE ITS DISCUSSION OF ELECTION RETURN IRREGULARITIES MORNING OCTOBER 2. JUDGING FROM OCTOBER 1 DEBATE, SPECIAL COMMITTEE CONCLUSIONS MAY BE SUBJECTED TO RATHER SEVERE SCRUTINY. QUESTION

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OF TRUE LEGAL COMPETENCE OF ASSEMBLY MAY ALSO BE DISCUSSED FURTHER.

10. COMMENT: ATTACKS ON SUU AND OBVIOUS DISSATISFACTION WITH SPECIAL COMMITTEE REPORT ON THE PART OF MANY MEMBERS PARTICULARLY DAB, GAVE IMPRESSION DEVELOPING ATMOSPHERE MORE FAVORABLE TO VALIDATION.

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